?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 30.10.2018

*CORAM
THE HON-BLE MR. JUSTICE T.RAJA
and
THE HON-BLE MR. JUSTICE KRISHNAN RAMASAMY

+W.P.(MD) No.9047 of 2015
and
W.M.P.(MD) No.1 of 2015

#M.Chinna Nachiappan
... Petitioner

Vs.

$1.The Director
of Town and Country Planning,
No.807, Anna Salai,
Chennai ? 600 002.

2.The District Collector,
Madurai District,
Madurai.

3.The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai,
Madurai District.

4.The Commissioner,
Madurai Corporation,
Madurai.

5.The Madurai Central Market Vegetables and
Perishable Commodities Merchants Co~ordinate Association
Madurai ? Rep. by its President S.Manuel Jeyaraj,
Dindigul Main Road,
Vilangudi, Madurai ... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the first and third respondents to reject the revised planning permission in proceedings bearing Na.Ka.No.4263/15/BA1, dated 04.03.2015 in Survey Nos.115, 116/1 and 116/2, Vilangudi Village Bit II, Madurai, on the file of the first respondent which is forwarded by the third respondent in Na.Ka.No.1983/2014 Ma.Thi.2, dated

23.02.2015 presented by the fifth respondent.

!For Petitioner : Mr.G.Prabhu Rajadurai
^For Respondents : Mr.V.R.Shanmuganathan
1 to 3 Special Government Pleader
For Respondent 4 : Mr.R.Murali

:ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the first and third respondents to reject the revised planning permission in proceedings bearing Na.Ka.No.4263/15/BA1, dated 04.03.2015 in Survey Nos.115, 116/1 and 116/2, Vilangudi Village Bit II, Madurai, on the file of the first respondent which is forwarded by the third respondent in Na.Ka.No.1983/2014 Ma.Thi.2, dated 23.02.2015 presented by the fifth respondent.

2.Mr.G.Prabhu Rajadurai, learned Counsel appearing for the petitioner submitted that when the Director of Town and Country Planning, Chennai and the Member Secretary, Madurai Town and Country Planning Authority, Madurai, respondents 1 and 3 herein have issued approved layout, after issuance of the approved layout with certain terms and conditions to be followed by the person in whose favour the approved layout has been granted, no more revised planning permission can be sought for as against the approved planning permission granted earlier. When there is a specific condition shown in the approved planning permission after complying with the said condition, the revised plan cannot be granted without complying the original condition. Adding further, he has stated that if the revised plan is passed, the entire proceedings granting planning permission would be diluted and that would cause grave problem to the residents in and around the approved layout.

3.It is at this Stage, Mr.M.Ajmal Khan, learned Senior Counsel appearing for the fifth respondent submitted that the prayer in the Writ Petition does not call for any indulgence from this Court since the fifth respondent till date has not re~presented their application seeking modification or revised planning permission. Although the fifth respondent moved an application seeking revised planning permission that was returned by the respondents 1 and 2 and thereafter, the fifth respondent has not re~ presented the same.

4.In view of the above stand taken by the learned Senior Counsel appearing for the fifth respondent that the fifth respondent has not re~ presented the returned application seeking revised planning permission, the prayer in the Writ Petition need not be gone into. Therefore, the Writ Petition is closed. No costs. Consequently, the connected miscellaneous petition is also closed.

To

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Madurai,
Madurai District.

4.The Commissioner,
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